



October 5, 2017

Via Electronic Submission

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St., SW, Room TW-A325
Washington, DC 20554

**Re: Ex Parte Communication
Accelerating Wireless Broadband Deployment by Removing Barriers to
Infrastructure Investment, WT Docket No. 17-79**

**Streamlining Deployment of Small Cell Infrastructure by Improving
Wireless Facilities Siting Policies, WT Docket No. 16-421**

Dear Ms. Dortch:

On October 3, 2017, Charles McKee and I of Sprint Corporation, along with Ken Schiffman by telephone, met with the following Commission staff members: Don Stockdale, Suzanne Tetreault, Garnet Hanly, Adam Copeland, Daniel Kahn, Angela DeMahy, Mary Claire York, Jeffrey Steinberg, Jill Springer, Lisa Hone, and David Sieradzki.

Sprint addressed the urgent need for the Commission to reform the tribal historic review process. Sprint noted that the Commission has various means to lower costs for tribal historic reviews that do not impact eligible historic properties, including allowing costs only for consultation when an affected property is identified or by broadening exclusions. The Commission has authority to adopt exclusions under 36 C.F.R. § 800.3(a)(1) when the proposed action “does not have the potential to cause effects on historic properties.”

Sprint also urged the Commission to clarify the interpretation of the term “tower” in the context of eligible historic properties. Specifically, Sprint noted that the replacement of an existing street light, utility pole, or traffic signal with one capable of supporting a small-cell collocation does not change the “primary purpose” of the structure as a street light, utility pole, or traffic signal. Accordingly, such a replacement pole is not a tower under NPA § II.A.14 and is not subject to the Commission’s rules under the National Historic Preservation Act and the NPA.

Sprint also addressed whether excessive fees imposed by state and local governments violate 47 U.S.C. § 253(c)’s prohibition on fees that are not “fair and reasonable” and whether an excessive fee “prohibit[s] or [has] the effect of prohibiting” a wireless carrier from providing service. Sprint pointed out that because carriers have limited budgets, excessive fees imposed by state and local governments directly cause carriers to deploy fewer sites, thereby preventing the deployment of additional coverage in other areas and diminishing capacity in existing coverage areas. In other words, these fees have “the effect of prohibiting” service. Additionally, excessive fees make upgrading to new technologies, such as 5G, uneconomical and, thus, has the consequence of preventing deployment of new technologies. Finally, because different carriers

have different spectrum portfolios with different propagation characteristics, limitations on the number of sites deployed can impact the delivery of service inside structures, even if exterior coverage is available.

Finally, Sprint urged the Commission to issue a “deemed granted” remedy for governmental delays under 47 U.S.C. § 332. The Commission has authority, as it noted in the NPRM, to adopt an irrebuttable presumption when a local government fails to act on a carrier’s application.¹

Pursuant to Section 1.1206 of the Commission’s Rules, a copy of this letter is being filed electronically in the above-referenced dockets. If you have any questions, please feel free to contact me at (703) 592-2560.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith C. Buell', written in a cursive style.

Keith C. Buell
Senior Counsel

cc: Don Stockdale
Suzanne Tetreault
Garnet Hanly
Adam Copeland
Daniel Kahn
Angela DeMahy
Mary Claire York
Jeffrey Steinberg
Jill Springer
Lisa Hone
David Sieradzki

¹ NPRM ¶¶ 10-11.